

36. The method computer data signal of claim 29 wherein:
the VCR includes a set of content information and a set of schema information.
37. The method computer data signal of claim 29, further comprising:
~~a code segment~~ including instructions in a code segment to search the set of content information and the set of schema information.

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed January 6, 2006. No fee is due for the addition of any new claims. An appropriate Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee.

Claims 1-37 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-37. The present Response cancels claims 2 and 20-28 and amends claims 1 and 11 and 29-37, leaving for the Examiner's present consideration claims 1, 3-19, and 29-37. Reconsideration of the rejections is requested.

First, the Examiner's rejection of claims 10-16 as being non-statutory subject matter is respectfully traversed. These method claims are plainly statutory subject matter.

The Examiner has also rejected claims 20-26 and 28 as being non-statutory subject matter. Applicants have canceled claims 20-28, obviating this rejection.

The Examiner has also rejected claims 29-37 as non-statutory subject matter. Claims 29-37 have been rewritten as method claims in order to overcome this rejection.

The Examiner's prior art rejections numbers 11 and 18 are respectfully traversed. In addition, independent claims 1, 11, and 29 have been amended so as to better distinguish over the prior art with claim 1 incorporating the further detail of the now canceled claim 2. In the Examiner's rejection 11, the Examiner wrote as follows:

"Regarding **dependent claim 2**, KIKUCHI teaches:

The method of claim 1 wherein: each one of the plurality of content repositories implements a service provider interface (SPI) compatible with the VCR {See KIKUCHI, Figure 1, Element 5, and col. 9, lines 21-48, wherein "the database interface unit 5" reads

on “service provider interface” as best understood by the Office}. With all due respect, this rejection is in error. The database interface unit 5 is outside of both the physical and logical databases of KIKUCHI. In contrast, the SPI as claimed lies between the VCR and the content repositories and interfaces between them. Claim 1 has been rewritten to incorporate the detail of the now canceled claim 2 and to emphasize this important distinction with KIKUCHI. Similarly, independent claims 11 and 29 have also been rewritten so as to emphasize this same important distinction with KIKUCHI. All currently pending dependent claims depend from claims 1, 11, or 29.

The Applicants also respectfully traverse the Examiner’s prior art rejections 21 and 22. In rejection number 21, the Examiner rejects claims 9, 18, and 36 and now canceled claim 27 for obviousness based on the combination of KIKUCHI and WEINREB. However, the Examiner offers no motivation, suggestion, or teaching to combine the KIKUCHI and WEINREB references. As such, applicants maintain that the obviousness rejection is improper on its face.

In rejection 22 the Examiner rejects claims 10, 19, and 37 and now canceled claim 28 for obviousness based on the combination of KIKUCHI and WEINREB. Although the Examiner offers a single sentence description of a motivation to combine KIKUCHI and WEINREB, applicants believe that the one sentence rationale is inadequate and basically constitutes improper hindsight reasoning. Applicants submit that there is no motivation or suggestion to combine to be found in the text of the references themselves and that the method of the present invention as recited in claims 10, 19, and 37 would not have been obvious to one of ordinary skill in the art. The combination of KIKUCHI and WEINREB is nonobvious and is suggested neither by the references themselves nor by identified knowledge of the ordinary artisan. Rather the Examiner’s rejection is in the nature of a hindsight reconstruction of the invention, which is an improper basis for rejection.

For these additional reasons, then, claims 9,10,18, 19, 36, and 37 are valid over the cited prior art.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested.

The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including May 6, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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